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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

A.M., an individual,)	Case No. 3:21-cv-01674-MO
)	
Plaintiff,)	PLAINTIFF’S OBJECTIONS AND
)	RESPONSES TO DEFENDANT’S FIRST
v.)	INTERROGATORIES
)	
OMEGLE.COM LLC,)	
)	
Defendant.)	
_____)	

TO: Defendant Omegle.com LLC and its attorneys of record.

Plaintiff A.M. (“Plaintiff” responds to Defendant’s First Interrogatories as follows:

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RESPONSES TO DEFENDANT’S FIRST
INTERROGATORIES

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GENERAL OBJECTIONS

Plaintiff generally objects to the disclosure of confidential information protected by the attorney-client privilege or work produce doctrine. Should any such disclosures occur, it is inadvertent and shall not constitute a waiver of any privilege. Plaintiff also states that discovery is ongoing and that she reserves the right to supplement and/or amend her response based on additional and/or different information that may become subsequently available.

RESPONSES

INTERROGATORY NO. 1: Describe with specificity each time you used the Omegle chat service – including the “age-appropriate video chats at sleepovers” alleged in paragraph 39 of the SAC – including but not limited to the date(s) of each use, your age at the time of use, the type of chat used (e.g., text only or video), and a general description of the content of the chats with the other user(s).

RESPONSE: Plaintiff objects in part to this interrogatory on the grounds that it is unduly burdensome and seeks information unavailable to the responding party in that her Omegle use started as a young child and did not maintain records of her Omegle use. Without waiving her objections, Plaintiff responds: I cannot recall exact dates. The first time I can recall using Omegle was once before I met Fordyce where I was at a sleepover with friends and recall the people we matched with seeming age-appropriate. But I was only looking at it for a short time (about 2 minutes). I was uncomfortable with it and let my friends take charge. I only saw about three people come through the screen and most were quickly skipped and filtered through. This was the video version when I was about 11 years-old.

INTERROGATORY NO. 2: Describe with specificity your first interaction with Fordyce on the Omegle chat service, including but not limited to the date of the first interaction, the type of chat used (e.g., text only or video), the time length of the first interaction, and a general description of the content of the first interaction.

RESPONSE: Plaintiff objects in part to this interrogatory on the grounds that it is unduly burdensome and seeks information unavailable to the responding party in that her interactions with Fordyce were roughly ten years ago starting when she was only 11. Plaintiff further objects in that it should defendant's own business records should indicate when its users use its product, the type of chat used, the time length of interactions. Without waiving her objections, Plaintiff responds: I recall that our first interaction on Omegle was through its text chat. So I was unable to see how old he was. I don't remember exactly what we spoke about, but he was kind and understanding towards me. He seemed like he understood me and I remember never feeling that understood by another person. I don't remember what we talked about exactly, but I remember telling him I was 11 and he said he was in his 20's. It was not sexual at that point. But it felt like an emotional connection. And he made it seem like it was special that out of everybody, he and I had matched with each other. He promised to comfort me and acted really impressed with me and my maturity, intelligence and emotional complexity. I believed him when he said he would be a positive force in my life.

INTERROGATORY NO.3: Describe with specificity each interaction you had with Fordyce (after the first interaction), or with other users at Fordyce's direction, on the Omegle chat service, including but not limited to the date of each interaction, the type of chat used (e.g., text

only or video), the time length of the first interaction, and a general description of the content of each interaction.

RESPONSE: Plaintiff objects in part to this interrogatory on the grounds that it is unduly burdensome and seeks information unavailable to the responding party in that she was groomed to keep all interactions secret and did not keep records. Plaintiff further objects in that it should defendant's own business records should indicate when its users use its product, the type of chat used, the time length of interactions. Without waiving her objections, Plaintiff responds: Fordyce directed me to use Omegle to find other young girls for him and his network of predators because there were always children on the site. Although I can't recall exactly how many times I was forced to obey this command, I know that I went on Omegle several times to speak with young girls via text chat. Fordyce had directed me to obtain the contact information of these girls, but instead I would attempt to carry out the conversations for as long as possible before actually requesting it so that the girls would get bored and leave the conversation. This usually provided me with an excuse when Fordyce would ask me for the names and contacts. Anytime I actually obtained the contact information of one of the girls, I would intentionally change some of the numbers or letters so that they would be unreachable.

INTERROGATORY NO.4: Identify all websites, apps, and online platforms you used to engage in social networking online at the time of your first interaction with Fordyce on the Omegle chat service.

RESPONSE: Kik, Instagram, Snapchat, Facebook

INTERROGATORY NO. 5: Identify all websites, apps, and online platforms used in your interactions with Fordyce or with other third parties at Fordyce's discretion, including but not limited to the interactions alleged in paragraphs 43, 44, 46, and 47 of the SAC.

RESPONSE: Omegle and Kik. The detective also reminded me that we communicated via Skype. I do not remember using Skype but the detective said I had. Fordyce also reached out to me on Instagram but I did not respond.

INTERROGATORY NO. 6: State all facts and identify all documents describing how the Omegle chat service is "defectively designed," as alleged in the SAC.

RESPONSE: Plaintiff objects to this interrogatory in that it calls for legal conclusions, expertise, and requires material in Defendant's sole possession which has not yet been turned over by Defendant in response to Plaintiff's requests for production. Without waiving Plaintiff's objections, she refers Omegle to Paragraph's 64-74, 79-83 and says that in sum and substance, the product design that makes Omegle defectively designed is the random matching of users for private online communications when it knew that this random matching design feature resulted in recurring matches of children and adults seeking sexual encounters with children; my own experience of being matched with Fordyce is a fact that supports the allegation that Omegle is defectively designed. Omegle's own website's acknowledgement of predators being known to use Omegle to prey on people supports the allegation that something is inherently wrong with Omegle's product if it is easily and regularly used by predators. And they use it for its intended use.

INTERROGATORY NO. 7: Describe with specificity the "[i]ndustry standards, common practices, and common-sense measures" you allege Omegle could or should have taken

to “mitigate the unsafe design of its software”, as alleged in paragraph 73 of the SAC, including but not limited to identifying the source(s) of the alleged industry standards and common practices.

RESPONSE: Plaintiff objects to this interrogatory in that it calls for legal conclusions, and expertise. Without waiving Plaintiff’s objection, she shall supplement her response as factual development in the instant case develops through the ordinary course of discovery.

INTERROGATORY NO. 8: State all facts and identify all documents and communications supporting your allegation in paragraph 70 of the SAC that “[n]o reasonable measures have been taken to ensure” that the design of the Omegle chat service “is more useful than is foreseeably dangerous.”

RESPONSE: Plaintiff objects to this interrogatory in that it calls for legal conclusions, and expertise. Without waiving Plaintiff’s objection, she shall supplement her response as factual development in the instant case develops through the ordinary course of discovery.

INTERROGATORY NO. 9: Identify all damages you claim in this case and state with specificity how those damages were calculated.

RESPONSE: Plaintiff objects to this interrogatory as calling for privileged information as to how the damages were calculated. Subject to and without waiving such objection, Plaintiff seeks damages for: severe emotional distress, Post-traumatic stress disorder, panic attacks, self-harm, sexual injury, suicidality, fear of commitment, inability to trust, inappropriate approval-seeking, guilt, shame, anxiety, paranoia, nightmares, dissociation, hypomania, impaired familial relationships, challenges with intimacy, eating disturbances, psychogenic seizures, muscle

tension, and feelings of terror. Discovery is ongoing and Plaintiff reserves the right to supplement her response.

INTERROGATORY NO. 10: State all facts and identify all documents and communications supporting your allegation in paragraph 107 of the SAC that Omegle has engaged in “active solicitation of predators and children”.

RESPONSE: Plaintiff objects to this interrogatory in that it calls for legal conclusions, and expertise. Without waiving Plaintiff’s objection, she shall supplement her response as factual development in the instant case develops through the ordinary course of discovery.

Dated: March 24, 2023

/s/ Barbara Long
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Attorneys for Plaintiff A. M.

VERIFICATION

I declare under penalty of perjury under the laws of the United States that I have read the foregoing responses to the interrogatories and those responses are true and correct to the best of my present knowledge and belief based on information provided to me by others which I believe to be true.

Dated this 24th day of March, 2023.

/s/ [REDACTED]
Plaintiff A.M.

CERTIFICATE OF SERVICE

I certify that I served the foregoing PLAINTIFF'S RESPONSE AND OBJECTIONS TO DEFENDANT'S FIRST INTERROGATORIES on the below by the following indicated method or methods:

Clifford S. Davidson, via email – csdavidson@swlaw.com
Lea Schneider, via email – lscheider@swlaw.com

DATED THIS 24th day of March, 2023.

VOGT & LONG PC

/s/ Shannon Dunn

Shannon Dunn

Legal Assistant to Vogt & Long PC